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WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

COLONY INSURANCE CO.

CIVIL ACTION NO. 10-00784

-vs-

JUDGE DRELL

BORRELS, INC., et al.

MAGISTRATE JUDGE KIRK

**RULING AND ORDER**

Before the Court is a "Motion for Abstention or, Alternatively, to Stay" filed by Borrel's Inc. d/b/a Borrel's Grocery & Lounge and/or Borrel's Grocery and Liquor ("Borrel's") (Document No. 13). Colony Insurance Company ("Colony") has filed an opposition, and the Court finds no need for oral argument. For the reasons set forth herein, the motion will be denied.

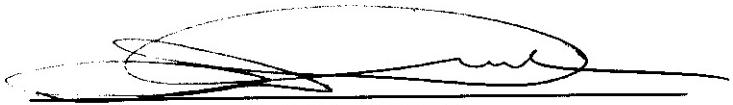
Although there is a parallel state court suit, even in its present posture, the coverage dispute between Borrel's and Colony is **not** before the state court. That issue can easily and separately be determined here. Plaintiff, Colony, is correct that this case is not governed by the abstention doctrine in Colorado River Water Conservation Dist. v. U.S., 424 U.S. 800 (1976), but is, instead, controlled by the Declaratory Judgment Act, 28 U.S.C. § 2201.

We have discretion in whether to stay and abstain regarding a declaratory judgment action. (See Torch, Inc. v. LeBlanc, 947 F.2d 193, 194 (5<sup>th</sup> Cir. 1991) and cases cited therein.) We exercise that discretion in favor of ruling on the single coverage issue

before us. The motion for summary judgment (Document No. 18) will be considered separately. For these reasons,

IT IS ORDERED that the "Motion for Abstention or, Alternatively, to Stay" (Document No. 13) is DENIED.

SIGNED on this 15 day of March, 2011 at Alexandria, Louisiana.



DEE D. DRELL  
UNITED STATES DISTRICT JUDGE